UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
X	
WEDIL DAVID,	1:18-CV-05414 (RA)

## Plaintiff,

-against-

THE WEINSTEIN COMPANY, LLC, THE WEINSTEIN COMPANY HOLDINGS, LLC, HARVEY WEINSTEIN, AND ROBERT WEINSTEIN,

Defendants.
X

## NOTICE OF OBJECTION TO MAGISTRATE JUDGE KEVIN FOX'S MAY 8, 2020 AND FEBRUARY 12, 2020 ORDERS PURSUANT TO F.R.C.P. RULE 72(A)

The Defendant Harvey Weinstein (hereinafter "Mr. Weinstein") hereby gives Notice of Objection pursuant to F.R.C.P. Rule 72(a) of Magistrate Judge Kevin Nathanial Fox's May 8, 2020 and February 12, 2020 Orders holding that Mr. Weinstein may not assert objections to Plaintiff's December 23, 2019 document demands and interrogatories. The bases for the objections are more fully set forth in the accompanying Memorandum of Law, and summarized as follows: On February 12, 2020, during Mr. Weinstein's criminal trial, Judge Fox entered an Order holding that Mr. Weinstein has waived his right to assert objections to Plaintiff's December 23, 2019 document demands and interrogatories. This was due to an inadvertent error of Mr. Weinstein's prior defense counsel in this matter which caused him to fail to timely respond to the aforementioned discovery demands. Further, on May 8, 2020, Judge Fox refused to reconsider his February 12, 2020, Order, notwithstanding that Plaintiff had not been in any way prejudiced by this delay; that the error by counsel was inadvertent; and that Mr. Weinstein faces extreme prejudice from Judge Fox's drastic and harsh sanction stripping Mr. Weinstein of the ability to assert objections, including those based

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on attorney-client privilege and attorney work product, at a time when he still faces a criminal

prosecution in Los Angeles County, California, and is defending a number of civil actions,

including but not limited to, the matter before this respected Court.

WHEREFORE, Defendant HARVEY WEINSTEIN respectfully requests that the Court

set aside and/or modify Judge Fox's February 12, 2020 and May 8, 2020 Orders to permit Plaintiff

to assert objections to Plaintiff's December 23, 2019 document demands and interrogatories, or in

the alternative, should the Court not wish to set aside the Order in full, limit the scope of the

February 12, 2020 and May 8, 2020 Orders so that Mr. Weinstein may still assert objections to

Plaintiff's December 23, 2019 document demands and interrogatories based on attorney-client

privilege and attorney work product.

Respectfully submitted,

Dated: May 15, 2020

New York, New York

AIDALA, BERTUNA & KAMINS, PC

By:

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To: All Counsel of Record (via ECF)